

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RUDY ROSENBERG; JACQUELINE
ROSENBERG; ELTHA JORDAN,

Plaintiffs,

-against-

JOHN ALLEN, BERNARDO AVILES,
DERICK J. BENTLEY, WILLIAM
BRATTON, JASON BROCHHAUSEN,
DENNIS CALASCIBETTA, CITY OF NEW
YORK, CARLOS M. GOMEZ, JANE AND
JOHN DOES, JOHN AND JANE DOES 1-
30, KALAWSKI, SERGEANT KIM,
ROBERT KSELMAN, FREDERICK
LOEFFLER, MICHAEL MAGLIANO,
DANIEL F. MAGRINO, JEWEL
MCCOLLIN, HOWARD METZDORFF,
TERRENCE A. MONAHAN, DAVID
O'KEEFE, JAMES P. O'NEIL, EUGENE
PORCARO, ROBERT RYAN, BONNIE
SARD, NITIN SAVUR, MICHAEL
SENSESE, DERMONT F. SHEA, CYRUS R.
VANCE, JR, KATHLEEN WALSH, JAMES
WHITEHEAD,

Defendants.

20-CV-4012 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiffs, appearing *pro se*, bring this action asserting claims arising out of various alleged conspiracies related to Plaintiff Rudy Rosenberg's eviction and arrests. The Court dismisses the complaint for the following reasons.

Plaintiffs recently submitted to this Court a substantially similar complaint against many of the same Defendants arising out of the same events. That case is presently pending before me under docket number ECF 1:20-CV-3911 (CM). As this complaint raises the same claims against many of the same Defendants, no useful purpose would be served by litigating this duplicate

lawsuit.¹ Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number ECF 1:20-CV-3911 (CM).

The Clerk of Court is directed to mail a copy of this order to Plaintiffs and note service on the docket.

Plaintiffs' complaint is dismissed without prejudice as duplicative. Any outstanding motions are terminated. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: May 28, 2020
New York, New York



COLLEEN McMAHON
Chief United States District Judge

¹ The Court issued an order in that matter directing each Plaintiff, among other things, to submit an *in forma pauperis* application. Claims arising out of the same events should be included in a single suit, and thus if Plaintiffs seek to add or modify claims or defendants in their complaint in 20-CV-3911 (CM), their remedy is to amend that complaint, consistent with Rule 15 of the Federal Rules of Civil Procedure.